

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Michael A. Mourtzanakis, Esq.
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(973) 631-7314
Attorneys for Defendant, Jones Brunswick, LLC

ANA E. RUIZ	:	DISTRICT OF NEW JERSEY
	:	CIVIL ACTION
	:	DOCKET NO.:
Plaintiff,	:	
	:	
vs.	:	NOTICE OF REMOVAL
	:	
FEDEX GROUND PACKAGE SYSTEM,	:	
INC. i/p/a as FEDEX GROUND, INC;	:	<i>Document Filed Electronically</i>
FEDEX GROUND'S RISK MANAGEMENT	:	
DEPARTMENT; FEDERAL EXPRESS	:	
GROUND; JONES BRUNSWICK, LLC;	:	
JOHN DOES (1-100)(fictitious names)	:	
and A.B.C. COMPANIES (1-100)(fictitious	:	
entities)	:	
Defendant	:	

TO: CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

ON NOTICE TO:

Lawrence A. LeBrocq, Esq.
Ralph G. Cretella, IV., Esq.
Garces, Grabler & LeBrocq, P.C.
235 Livingston Avenue
New Brunswick, NJ 08901
Attorneys for Plaintiff

Chelsea S. Novelli, Esq.
Callahan & Fusco, LLC
103 Eisenhower Parkway, Suite 400
Roseland, NJ 07068
*Attorneys for Defendants, FedEx Ground's Risk Management Department,
Fedex Ground Package System, Inc., i/p/a Fedex Ground, Inc., Federal
Express Ground*

Clerk, Superior Court of New Jersey
Middlesex County
56 Paterson Street
New Brunswick, NJ 08903

PLEASE TAKE NOTICE that defendant, Jones Brunswick, LLC, by and through its counsel, Law Offices of James H. Rohlfing, hereby removes a civil action pending in the Superior Court of New Jersey, Passaic County, Law Division (the “State Court Action”), Docket No. MID-L-3421-21, pursuant to 28 U.S.C. Sections 1441 and 1446, as amended, and in accordance with 28 U.S.C. Section 1332, as amended, on the following grounds:

1. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. Sections 1332 and 1441 because the procedural requirements for removal are satisfied and because this is a civil action states in which the amount in controversy exceeds \$75,000, exclusive of costs and interest.

I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

2. On or about June 8, 2021, plaintiff, a New Jersey resident, commenced State Court Action by filing a Complaint identified by Superior Court of New Jersey Docket number MID-L-3421-21 (“Complaint”) with the Clerk of the Superior Court of New Jersey, Middlesex County. The action alleged injuries as a result of an incident which occurred on July 9, 2019. (See Plaintiff’s Complaint, annexed hereto as **Exhibit A**).

3. Plaintiff’s Complaint names as defendants the “FedEx” defendants, a resident of Pennsylvania, and Protective Insurance Company, a resident of Indiana. In the State Court Action, on February 7, 2022, Protective Insurance Company was dismissed without prejudice from the State Court Action. (See Stipulation of Dismissal, annexed hereto as **Exhibit B**).

4. On April 26, 2022, plaintiff’s counsel filed a motion to amend the complaint to add defendant, Jones Brunswick, LLC. Order dated May 13, 2022 was entered allowing the filing of the Amended Complaint. (See Order, annexed hereto as **Exhibit C**).

5. On May 17, 2022, service was obtained on Jones Brunswick, LLC in Kansas City, Missouri. (See Affidavit of Service, annexed hereto as **Exhibit D**). Jones Brunswick, LLC is a resident of Missouri.

6. Diversity of citizenship has been established.

7. As a result of the above, complete diversity between the parties exists and this action is removable pursuant to 28 U.S.C. Section 1332.

8. Removal is timely under 28 U.S.C. Section 1446(b)(3) because this notice was filed within 30 days upon receipt by Jones Brunswick, LLC.

9. The United States District Court for the District of New Jersey embraces the locality in which the State Court Action pending and, thus, this Court is a proper forum for this action pursuant to 28 U.S.C. Section 1441(a).

10. No previous application has been made for the relief requested herein.

11. As required by 28 U.S.C. Section 1446(a), a copy of all process and pleadings are attached hereto. (See Copies, annexed hereto as **Exhibit E**).

12. Pursuant to 28 U.S.C. Section 1446(d), a copy of the Notice of Removal is being served on Plaintiff's counsel and Co-Defendants' counsel, and a copy is being filed with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County and the Clerk of the Superior Court of New Jersey, Trenton, New Jersey.

13. No admission of fact, law or liability is intended by the filing of this Notice of Removal, and all defenses, motions and pleas are expressly preserved.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. SECTIONS 1332 AND 1441

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. Section 1332 because this is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000, exclusive of costs and interest. (*See* Exhibit A).

A. Complete Diversity of Citizenship Exists

1. Plaintiff's Citizenship

15. Plaintiff is a New Jersey resident who resides in East Windsor, New Jersey in the County of Mercer. (See Amended Complaint). *See McCann v. Newman Irrevocable Trust*, 458 F.3d 281, 286 (3d Cir. 2006) (for purposes of diversity jurisdiction, "[c]itizenship is synonymous with

domicile...”).

2. Defendant’s Citizenship

16. Plaintiff’s claims against Defendant, Protective Insurance Company, have been voluntarily dismissed (*See* Exhibit B).

17. FedEx was incorporated in the State of Arkansas and the FedEx defendants are headquartered in Pennsylvania. Jones Brunswick, LLC is incorporated in the State of Missouri.

B. The Amount in Controversy is Satisfied

18. In her Complaint, Plaintiff alleges that she is seeking damages for multiple severe and permanent injuries “to her body, which injuries necessitated obtaining medical treatment and surgery, was compelled and shall in the future be compelled to expend large sums of money for medical care and attention, as well as endure great physical and emotional pain, suffering, disability, stress, anxiety, depression, inconvenience and distress...” Therefore, upon information and belief, the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest, fees, and costs. (Exhibit A).

WHEREFORE, Defendant, Jones Brunswick, LLC, respectfully removes this action from the Superior Court of New Jersey, Law Division of Middlesex County, to this Court pursuant to 28 U.S.C. Sections 1332, 1441 and 1446.

Law Offices of James H. Rohlfing

BY: /s/ Michael A. Mourtzanakis
MICHAEL A. MOURTZANAKIS
Attorneys for Defendant, Jones Brunswick,
LLC

445 South Street
P.O. Box 1938
Morristown, New Jersey 07962
(973) 631-7300

Dated: June 14, 2022

LOCAL RULE 11.2 CERTIFICATION

PURSUANT to Local Rule 11.2, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration or

administrative proceeding and no other action, arbitration or administrative proceeding is contemplated.

Law Offices of James H. Rohlfing

BY: /s/ Michael A. Mourtzanakis
MICHAEL A. MOURTZANAKIS
Attorneys for Defendant, Jones Brunswick,
LLC

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P.O. Box 1938
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Dated: June 14, 2022